

Statement of Environmental Effects

**to accompany a
Development Application
for a proposed subdivision
of Lot 101 DP 1279275
512 Raymond Terrace Road
Thornton**

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1. EXECUTIVE SUMMARY

The land subject of this Development Application is located within the Thornton North Urban Release Area which identifies the site for future development for urban purposes. The site is located adjacent to residential development on the East, South and West and Raymond Terrace Road to the North. Development of the site will complement and finalise development in this precinct.

The land the subject of this Development Application (DA) comprises Lot 101 DP 1279275, 512 Raymond Terrace Road, Thornton. The site contains a double storey brick dwelling and associated outbuildings.

The proposal is to create twenty-five (25) residential allotments with a new road. A road will be constructed through the site to join existing roads to the south and east to cater for the new subdivision layout. The proposed subdivision will be constructed in two (2) stage.

The clearing of land, the construction of roads, earthworks, landscaping and drainage works, the installation of utility services and infrastructure and the implementation of sediment and erosion control measures are all included as part of this development proposal.

The land is zoned R1 General Residential pursuant to Maitland Local Environmental Plan (LEP) 2011 (as amended). Clause 2.6 of the Maitland LEP provides that land may be subdivided with development consent. The residential subdivision layout is adequately sized and positioned to allow the development of lots wholly within the residential zone. The development completes the road network in this area.

The proposed development is consistent with Council's objectives as contained within the Maitland LEP 2011 and the development principles contained within the Maitland Development Control Plan 2011.

This report is structured to facilitate a logical understanding of the proposed development, a review of the relevant planning controls relating to the proposal, the identification and assessment of the key issues, and a review and incorporation of relevant recommendations where appropriate.

The proposed development will provide a positive contribution to the Thornton locality and the wider Lower Hunter region with the provision of housing opportunities.

2. INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application to Maitland City Council for a proposed subdivision.

The development application seeks approval for the following:

1. Subdivision of one (1) lot into twenty-five (25) standard residential lots in two stages.
2. Clearing of land, demolition of the existing house and associated structures, site regrading and bulk earthworks.
3. Provision of urban infrastructure including roads, stormwater drainage, water and sewer reticulation, electricity supply and telecommunications.

The following property description applies to the site:

- Lot 101 DP 1279275

The site is located south of Raymond Terrace Road. The site adjoins existing residential land to the east, south and west. The subdivision of the adjoining land provides road frontage and services to the subject site. The subdivision layout has been designed to reflect the linkages provided by the adjoining development.

This Statement of Environmental Effects (SEE) describes the site, the proposed development, identifies the key issues and provides an assessment of the proposal under the provision of the Environmental Planning and Assessment Act 1979.

3. THE SITE

3.1. THE LOCALITY

The site is located to the north of the existing township of Thornton. Thornton is situated between the Regional Centres of Maitland and Raymond Terrace, within the Lower Hunter Valley. It is located within the Maitland LGA.

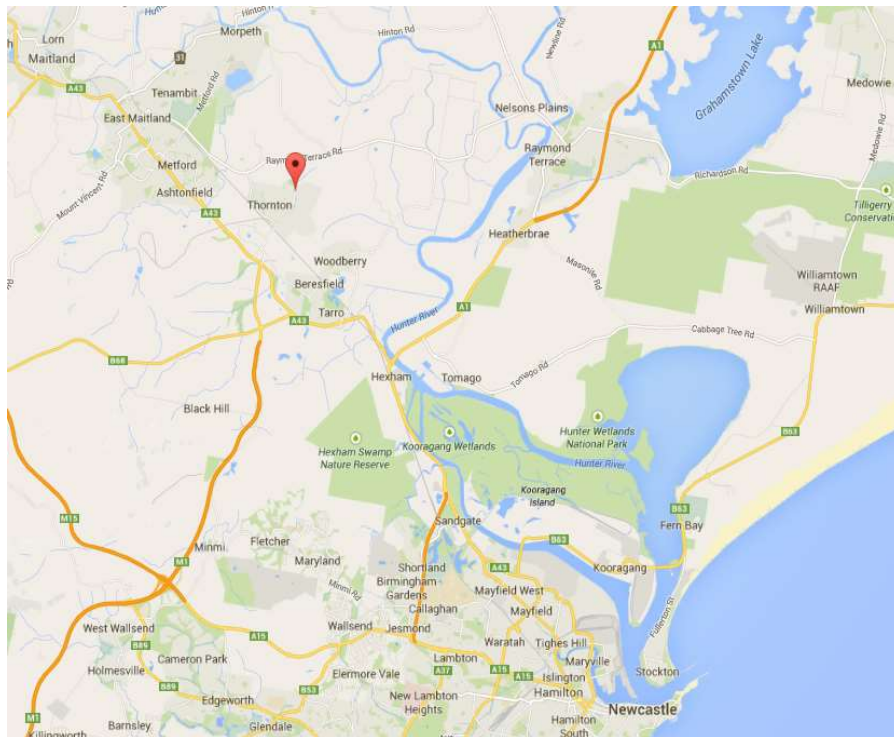


Figure 1 – Locality Plan

(Source: Google Maps 2015)

Land immediately east, south and west of the site has been developed for residential housing. The existing Thornton residential area is located further south of the site. Retail, education, employment and recreation areas are presently available nearby at Thornton and Beresfield and in the wider regional centres of Maitland and Raymond Terrace.

Raymond Terrace Road is located to the north of the site while Government Road is to the east.

The site is also in close proximity to the New England Highway and the M1 Freeway to Sydney.

3.2. THE SITE

The site comprises a total area of approximately 1.85 hectares comprising Lot 101 DP 1279275



Figure 2 – Aerial Photograph

The site is located within the Thornton North Urban Release Area. The land is located adjacent to current residential development.

Access to the site is provided by Sutton Lane and Stratford Avenue to the south and Thorncliffe Avenue to the east. The road pattern has been designed to reflect the existing road pattern and the Thornton North Precinct Plan by joining these roads and completing development in the area.

The subject site contains an existing dwelling and associated outbuildings, it is mostly clear of native vegetation consisting of highly disturbed and poor-quality grazing pasture. The site has a long history of grazing and is dominated by exotic grass species. See site plan in **Appendix A**

4. PROPOSED DEVELOPMENT

The proposed development is described as follows:

- Torrens title subdivision comprising twenty-five (25) residential allotments in two stages as identified on the proposed subdivision plan provided as **Appendix B**;
- Clearing of land, demolition of the existing dwellings and outbuildings (Stage 2), site regrading, bulk earthworks, implementation of sedimentation and erosion control measures and landscaping; and,
- Provision of urban infrastructure including but not limited to, road construction and associated drainage, water and sewer reticulation, electricity supply and telecommunications.

The residential allotments will range from 501m² to 780m² in size.

Internal road network

The internal road network has been designed to comply with Council's hierarchy and the Thornton North Precinct Plan. The subdivision layout has been designed so that all dwellings have frontage to the internal road network.

The proposed road will link Stratford Avenue in the south with Thorncliffe Avenue in the east completing the road network in this area. The development will provide for the completion of the Thornton North Precinct representing the last subdivision in the area.

The proposed allotments addressing Raymond Terrace Road will be denied access to that road by a restriction on the lots title.

Landscape buffer to Raymond Terrace Road

Adjacent to and along Raymond Terrace Road, is a 10m wide landscape buffer. The landscape buffer provides a setback from Raymond Terrace Road and is consistent with the adjoining development already completed along Raymond Terrace Road.

Acoustic fencing will be located parallel to Raymond Terrace Road to match the existing fencing types along Raymond Terrace Road.

The landscape buffer and acoustic fencing will be subject to site specific controls that will be enforced through a section 88b instrument placed on the title of each affected allotment.

5. STATUTORY PLANNING PROVISIONS

The following legislation, Environmental Planning Instruments (EPIs), regional strategies and local controls are relevant to the proposed development.

5.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed development is classified as integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979, as it requires the following approval:

- Bush Fire Safety Permit under Section 100B of the Rural Fires Act 1997.
- Controlled Activity Approval under Section 91 Water Management Act 2000 (not required as detailed below)

A Bushfire Assessment has been completed and is discussed further in Section 9

A review of the Office of Waters Hydro-line Spatial Data shows a first order stream located approximately 5 metres with the north-eastern corner of the subject site. If the stream existed a Controlled Activity Approval would be required. The stream and all its related features have been removed as a result of Development Consents approved by Maitland City Council both above and below the subject site. Brentwood Estate has been constructed to the east of the Subject Property, residential lots and Thorncliffe Avenue have been constructed in the downstream location of the first order stream which no longer exists.

The Brentwood Consent also required the site of the first order stream to be removed from the Subject Site to prevent ponding. The owners of the property Sue and Terry Bunt gave consent to the adjoining developer to complete these works which have been undertaken.

Immediately above the subject site a detention basin and piped drainage has been constructed under DA 2021/1523, the piped drainage takes stormwater through the historic site of the first order stream to the piped drainage in the Brentwood Subdivision. As a result of the approved subdivisions to the east and west of the site the first order stream no longer exists. The Hydro-line spatial data has not been updated to reflect the current environmental constraints on Lot 101 DP 1279275 which does not contain a first order stream.

A Controlled Activity Approval is not required in this instance as the site does not contain a first order stream and the Office of Waters data is incorrect.

5.2. STATE ENVIRONMENT PLANNING POLICIES

The following State Environmental Planning Policies (SEPPs) apply to the proposal:

5.2.1 SEPP Biodiversity and Conservation 2021

This Policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

An ecological assessment of the site was undertaken by Firebird EcoSultants in January 2022 and September 2022 (**Appendix C**). The vegetation was assessed as being in poor condition, with only a few large mature trees and no hollow bearing trees. The shrub layer is dominated by exotic flora cover. The vegetation is considered

to be highly degraded in the assessment. The nature and extent of the vegetation is reflective of the sites use for residential purposes and the lack of any adjoining vegetation.

The ecological assessment prepared for the site found that no koala feed trees occurred on the site, therefore the site does not constitute 'Potential Koala Habitat' as defined by the SEPP and no further provisions of the SEPP apply.

Matter relating to flora and fauna are further discussed in Section 8 – Flora and Fauna.

5.2.2 SEPP Resilience and Hazards 2021 – Remediation of Land

This policy introduces a state-wide planning approach to the remediation of contaminated land. In particular, the SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A Preliminary Site Investigation has been undertaken for the site. The assessment concluded that the site contains no indication of gross contamination and is considered suitable for residential use.

The results of the preliminary site investigation (**Appendix G**) undertaken on the subject site are discussed in Section 9 – Contamination.

5.2.3 SEPP Transport and Infrastructure 2021

The following SEPP provisions have been considered in relation to the proposal:

- **Clause 2.119 - Development with a frontage to a classified road.**
The subject sites northern boundary is defined by Raymond Terrace Road which is a classified Road. At the completion of the Subdivision all lots will have access to the internal road network constructed as part of the development, which is not identified as a classified road by Transport for NSW. Access to Lots 214 and 215 from Raymond Terrace Road will be denied. A Restriction as to User will be placed on the title of Lots 214 and 215 to ensuring access from Raymond Terrace Road is denied in perpetuity.
- **Clause 2.120 - Impact of road noise or vibration on non-road development**
An acoustic assessment (**Appendix H**) has been completed with respect to the impact of road noise from Raymond Terrace Road. Matters relating to the acoustic assessment and requirements to mitigate the impacts are discussed in Section 10 – Acoustic Assessment.
- **Clause 2.122 - Traffic-generating development.**
The application is for 25 lots that do not directly access a classified road and does not require referral to Transport for NSW under the provisions of SEPP, Council is the relevant roads authority for any roadworks on the connecting roads.

5.3. REGIONAL STRATEGIES

The following Regional Strategies are relevant to the site:

HUNTER REGIONAL PLAN 2041

The Hunter Regional Plan identifies the Thornton locality as being within the urban growth area around the strategic centre of Maitland, to be developed for urban purposes.

The Plan supports the continued development of identified greenfield sites such as the Thornton URA and recognises the need for the provision of land and infrastructure to meet the demand for additional housing within the region.

The development of the Thornton URA is consistent with the goals of the HRP 2041 to provide new housing opportunities and greater housing choice by delivering diverse housing, lot types and sizes, along with healthy built environments with access to open spaces. The proposed subdivision will facilitate the delivery of new housing in an emerging growth area.

5.4. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The subject site is zoned R1 General Residential, pursuant to Maitland LEP 2011. An extract of the zoning map is shown as **Figure 3 - Zoning Map**.

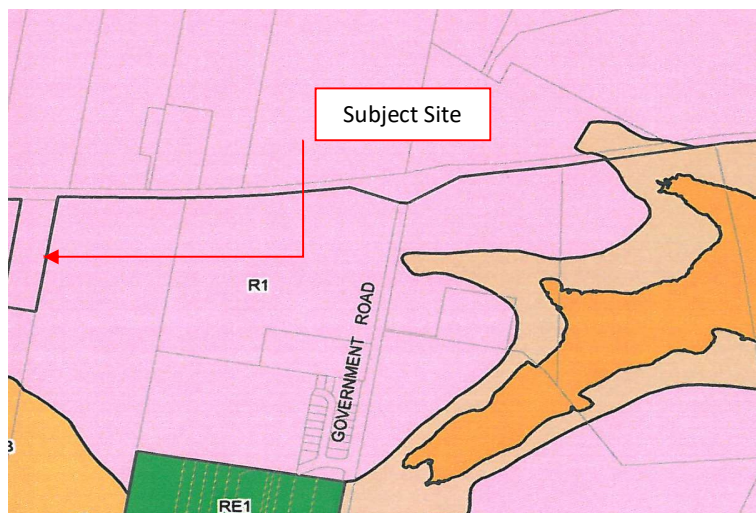


Figure 3 - Zoning Map (Maitland LEP 2011)

The objectives of the R1 zone are as follows:

Zone R1 General Residential

- *To provide for the housing needs of the community;*
- *To provide for a variety of housing types and densities;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is in accordance with the objectives and provisions of the R1 General Residential zone. The proposed residential subdivision the subject of this application is wholly located within the portion of land zoned R1 General Residential. The subdivision layout is adequately sized and positioned to allow the development of residential lots within the relevant zone. The proposed subdivision will provide housing needs for the community and will provide a variety of housing types and densities. Infrastructure such as roads, electricity, telecommunications, water and sewer shall be extended and will not place unreasonable demand on existing services.

The proposed subdivision is consistent with and satisfies the objectives of the relevant zone.

Clause 2.6 – Subdivision – consent requirements

Clause 2.6 of the Maitland LEP refers to consent requirements for subdivision. Clause 2.6 states:

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Clause 2.6 of the Maitland LEP ensures lot sizes meet the minimum requirements for lot sizes as shown on the Lot Size Map. The proposal meets the subdivision requirements under Clause 2.6 of the Maitland LEP 2011 as the lot sizes are above the minimum lot size of 450m² as shown on the Lot Size Map relating to the land.

Clause 5.9 – Preservation of trees or vegetation

Removal of vegetation on site requires the consent of Council. This application seeks approval for the clearing of land as described in Section 5 – Proposed development. This matter is further discussed in Section 8 – Flora and Fauna.

Part 6 – Urban Release Areas

The subject land is identified as lands on the Urban Release Area map and therefore Part 6 of the LEP applies. The purpose of Part 6 of the LEP is to ensure that development on land identified as an urban release area occurs in a logical and cost-effective manner. Part 6 requires that:

- *Satisfactory arrangements to be made for public infrastructure before land in an urban release area can be subdivided for urban purposes, and*
- *A development control plan must be prepared in accordance with the requirements of the LEP for any land so identified, before development consent can be granted for the subdivision of that land*

This proposal satisfies arrangements for public infrastructure including all services such as provision of reticulated water and sewer infrastructure and underground electricity supply services.

This clause also requires that a DCP is to be prepared prior to any development consent being granted for development on land within an urban release area. Chapter F.7 of Maitland DCP refers to the Thornton North Urban Release Area.

Clause 7.2 – Earthworks

Earthworks are required to be undertaken to facilitate the residential subdivision.

Clause 7.3 – Flood Planning

Development on land at or below the flood planning level must have regard to flood hazard and flood behaviour. The flood planning level refers to the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. No lots are not affected by flooding.

5.5. MAITLAND DEVELOPMENT CONTROL PLAN 2011

The Maitland Development Control Plan (DCP) 2011 provides all relevant guidelines to enable preparation of a DA for assessment by Council.

5.5.1. PART B ENVIRONMENTAL GUIDELINES

B.6 Waste Not – Site Waste Minimisation & Management

Moderate quantities of waste are expected to be generated during the subdivision construction phase of the project.

The construction of Stage 1 of the subdivision will only require limited demolition of fencing, with waste including timber and wire.

The construction of Stage 2 will require the demolition of the existing house and associated outbuildings. The house and outbuilding were constructed in late 2000. All recyclable waste will be separated for recycling.

During construction all works will be undertaken in accordance with the Waste Management Plan provided in **Appendix I**.

During the operational phase of the subdivision, when fully occupied by residents, households will be provided with Council waste bins for garbage collection.

5.5.2. PART C DESIGN GUIDELINES

C.10 Subdivision

Part C.10 of the Maitland DCP refers to subdivisions and includes Council’s requirements to subdivide land in the Maitland LGA. The proposed subdivision fulfils the objective of the Plan by promoting the efficient use of an increasingly limited land resource in Maitland.

The following table describes how the proposed subdivision fulfils the Environmental and Design Consideration and the Identity Components of the DCP.

Table 5.1 – Summary of Compliance with C.10 Subdivision

| Requirements of the DCP | Compliance with Requirements |
|-------------------------|--|
| EC.1 – Flora and Fauna | A Biodiversity Development Assessment Report (small area) was prepared for the site by Firebird ecoSultants Pty Ltd in Jan 2022. The site contains an existing home dwelling and three sheds, driveway, dam and remnant vegetation. The site has been used for a residential dwelling since 2000 and as a result the limited vegetation on site is considered highly degraded. The site is surrounded by residential development. |

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| | <p>The site does not contain important mapped areas for threatened species or any mapped biodiversity values.</p> <p>The site’s vegetation is highly modified from its original form being almost entirely cleared. A number of canopy trees and exotic ground cover heavily grazed in the past describing the current vegetation on site. The development will result in an impact on the remaining native vegetation and an assessment has been undertaken in accordance with the Biodiversity Assessment Method 2020. This BDAR has been prepared to satisfy the requirements of the Biodiversity Conservation Act 2016 (BC Act).</p> <p>As the area of the site is smaller than 40ha and the area of clearing is also less than 2ha, the streamlined assessment method – small area is applied to the development in accordance with Section 2.2 and Appendix C of the Biodiversity Assessment Method. The report confirmed the presence of a single vegetation type that being PCT 1600 – Spotted Gum – Red Ironbark – Narrow-leaved Ironbark – Grey Box shrubgrass open forest of the lower Hunter. The development will directly impact this community. The extent of native vegetation to be assessed in this BDAR (i.e. the area of native vegetation within or potentially impacted by the construction and operational footprint) is 0.19ha.</p> <p>This vegetation zone occurs in a poor condition, with only a few large mature trees and no hollow bearing trees. The shrub layer is dominated by exotic flora cover in this vegetation zone. The vegetation is considered to be highly degraded in the assessment. No threatened species were identified during site visits.</p> <p>The provisions of SEPP Biodiversity and Conservation 2021 have also been considered. A survey was completed for this species in October 2021, with no evidence found. This concludes that the development will not impact this species and it is concluded that the site does not constitute ‘Potential Koala Habitat’.</p> <p>The lot is approximately 1.85ha and the proposed development design requires utilisation of the entire lot. As such, there is insufficient area available to accommodate both the proposed development and avoid impacts to vegetation. Therefore, the following measures aimed at impact minimisation will be employed:</p> <ul style="list-style-type: none"> • the BOS will be utilised to offset development impacts • the landscape design plan will utilise some species associated <p>A copy of the Biodiversity Development Assessment Report is attached as Appendix C.</p> |
| <p>EC.2 – Heritage and Archaeology</p> | <p>An Aboriginal Due Diligence Assessment Report was completed for the site in November 2021.</p> <p>The background research and site inspection identified no Aboriginal objects, places or areas of potential archaeological deposit in the Project Area. No Aboriginal cultural material was observed, and the ground surface conditions suggest it is unlikely to be present. There is no identified risk of harm to Aboriginal objects as a result of the proposed works, and thus neither an ACHAR nor AHIP application is required.</p> |

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| | <p>A copy of the Aboriginal Due Diligence Assessment Report is attached as Appendix D. A copy of an addendum to this report updating AHIMS searched is included in Appendix D2</p> |
| EC.3 – Hazards | <p>All standard residential lots are located above the flood level and have access available in a 1 in 100 flood year flood event.</p> <p>The subdivision takes into consideration the bushfire hazard with a bushfire report provided as Appendix E demonstrating that the subdivision is able to meet the aims and objectives of PBP (RFS, 2006), provided that the recommendations of the bushfire report are implemented in full.</p> <p>The proposal meets the requirements of the DCP.</p> |
| DC.1 – Lot Size and Dimensions | <p>Proposed lot sizes are an appropriate size and shape for their proposed use, including building envelopes, solar and vehicle access, parking and other considerations. The size and dimensions of the allotments are appropriate for a suitable building envelope behind the building line. All lots are at least 450m² in size. Lots sizes vary from 500m² to 760m² in size.</p> |
| DC.2 – Solar Access and Energy Efficiency | <p>All of the proposed allotments are orientated to provide good solar access and optimise the design of energy smart homes. All proposed allotments have suitable dimensions to facilitate the siting and design of dwelling that can minimise non-renewable energy use and be appropriate for the climatic conditions.</p> <p>Reliance on private car use will be minimised through adequate links to, and provision of, public transport options and an integrated pedestrian and cycle network.</p> |
| DC.3 – Drainage, Water Quality and Soil Erosion | <p>Fisher Consulting Engineering have prepared draft Civil construction drawings for the proposed road and drainage works. (Appendix F). The plans demonstrate how road linkages will be provided and how water quality and quantity will be managed by the combination of detention basins (already constructed to the north and south) and existing pit and pipe networks located within the adjacent residential development along with a new pit and pipe system (including a gross pollutant trap) within the development site.</p> <p>The development will meet the environmental targets nominated for the Thornton North Release Area and comply with Maitland City Council’s engineering standards for development. Erosion and sediment controls will be implemented during the construction phase to control runoff from the site.</p> |
| DC.4 – Landscape, Streetscape & Visual Impact | <p>Landscape and streetscape character will be enhanced through the provision of landscaping along the road reserves. Refer to the attached subdivision plans for further details on landscaping (street trees) and buffer planting along Raymond Terrace Road.</p> <p>A landscape buffer will be provided along Raymond Terrace Road consistent with the already completed development adjacent to the site. A copy of the Landscape Plan is included in Appendix J.</p> |

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| DC.5 – Effluent Disposal | All allotments will be connected to a reticulated sewerage system supplied by the Hunter Water Corporation. |
| DC.6 – Roads & Access, Pedestrian & Cycleways | The proposed subdivision has been designed with regards to the existing road hierarchy and will be constructed to an appropriate standard of intended use. All proposed lots will have access to the internal road system, which will be built in accordance with the road types and dimensions provided in the table in the DCP. The road will be a local road with a road reserve of 17m and will complete the local road network by removing two dead ends. The proposed subdivision will be constructed in accordance with Council’s Manual of Engineering Standards, with links to the approved adjacent subdivisions. |
| DC.7 – Crime Prevention – Safer by Design | The proposed subdivision has been designed with regards to the design principles of Crime Prevention – Safer By Design. The subdivision will have clear sightlines between public and private places with attractive landscaping that will not allow offenders with places to hide. The lighting of the public streets will comply with relevant Australian Standards. |
| DC.8 – Site Filling | Some site filling associated with the provision of civil works, infrastructure, such as roads and drainage controls will be required to be undertaken at the subdivisions stage of development. |
| DC.9 – Reticulated Services (Water/sewer/Electricity/ Telecommunications) | All lots will be connected to the reticulated water and sewer supply in accordance with the requirements of the HWC. A Section 50 application has been made for the property. Underground low voltage electricity will be supplied to all lots to the requirements of Energy Australia. Street lighting will be provided on all streets. Telephone connection will be available to all new lots in accordance with the requirements of Telstra or other approved provider. |
| IC.1 – Entry Features | No entry features are proposed for this subdivision application. |
| IC.2 – Street Names | Street name signs will be erected at the junction of any roads in the subdivision in accordance with Council’s Manual of Engineering Standards. Council will advise on the Street name based on their road hierarchy. |
| IC.3 – House/Lot Numbering | House numbering will be allocated when the proposed lots are created. |

5.5.3. PART F THORNTON NORTH URBAN RELEASE AREA

The Thornton North Urban Release Area comprises a total of 900 hectares of land with an approximate residential yield of 5,000 lots. The Thornton North Area Plan consists of two parts – Part A: Thornton North Urban Release Area development controls and Part B: Precinct Plans.

Part 1 – Thornton North Area Plan

The Thornton North Area Plan includes detailed requirements for each development area. Precinct Plans are to be developed to correspond with the sequencing of the land identified in the Thornton North Area Plan. Development consent is not to be issued until a Precinct Plan has been prepared for the land. The DCP includes requirements to be included in each Precinct Plan.

Part 2 – Precinct Plans

The site is located in the Stage 1 Thornton North – Government Road Precinct – initially adopted by Council on 30th October 2008. Part 2.1 of the DCP includes Thornton North – Government Road Precinct. The proposed subdivision is consistent with the desired future outcomes detailed in the Precinct Plan. A summary of compliance table is provided below.

Table 5.2 – Summary of Compliance with Thornton North Area Plan

| Requirements of the DCP | Compliance with Requirements |
|---|---|
| Staging Plan | It is proposed to construct the subdivision in two stages. |
| Transport Movement Hierarchy | The layout, hierarchy and design of the streets within the proposed subdivision are consistent with the Precinct Plan. Pedestrian paths and road layouts are provided to connect to future links within the subdivision. No vehicular access is proposed onto Raymond Terrace Road from lots adjoining this road. Access is available via the connection of Thorncliffe Avenue and Stratford Avenue. Allotments are designed with frontage to internal roads and opportunities for dwellings to overlook the roads to provide passive surveillance. |
| Overall Landscape Strategy | Road reserve planting is shown on the attached subdivision plan. A 10m wide landscape buffer will be incorporated along Government Road which is consistent with the adjoining subdivisions. A landscaping plan is submitted with this development application which is consistent with the Precinct and Landscaping Plans. |
| Passive and Active Recreational Areas | There are no specific requirements for this site. |
| Stormwater & Water Quality Management Controls | Stormwater and Water Quality Management Controls will be in accordance with the existing surrounding development and Precinct Plan. |
| Amelioration of Natural and Environmental Hazards | There are no specific requirements for this site. |

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| Key Development Sites | Acoustic fencing and landscaping will be constructed along the boundary of the site with Raymond Terrace Road. The fencing proposed will be consistent with the existing fencing along Raymond Terrace Road. |
| Residential Densities | There are no specific requirements for this site. |
| Neighbourhood Commercial & Retail Uses | There are no specific requirements for this site. |
| Provision of Public Facilities & Services | There are no specific requirements for this site. |

6. INFRASTRUCTURE CONTRIBUTIONS

Part 6 of the Maitland LEP 2011 refers to Urban Release Areas. The site of the proposed subdivision is located within an Urban Release Area and is mapped as the Thornton North Stage 1 Urban Release Area.

Clause 6.1 of the Maitland LEP 2011 refers to the arrangement for Designated State Public Infrastructure.

On 4th March 2011, a Ministerial Direction named the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011 was made. This Direction effectively caps the maximum amount applied to development consent for monetary contributions under s94 for development.

Schedule 2 of the Ministerial Direction lists land subject to the \$30,000 maximum contribution and includes:

- (8) *Land within the Maitland City Local Government Area identified as the Thornton North Release Area in the Thornton North Section 94 Contributions Plan.*

In accordance with Schedule 2 of the Ministerial Direction, the subject land is identified in the Thornton North Release Area in the Thornton North Section 94 Contributions Plan. Accordingly, the maximum contribution for the subdivision of this land into residential lots is capped at \$30 000 for each residential lot authorised to be created by the development consent.

7. FLORA AND FAUNA

A Biodiversity Development Assessment Report (BDAR) was prepared for the site by Firebird ecoSultants Pty Ltd in January 2022 and updated November 2022. **Appendix C**

The aim of the assessment was to recognise the relevant requirements of the Biodiversity Conservation Act 2016 (BC Act).

Flora

The site in the past was likely the domain of PCT 1600 Spotted Gum-Red Ironbark-Narrow-leaved Ironbark Shrub-grass open Forest of the Lower Hunter which aligns with Lower Hunter Spotted Gum – Ironbark Forest. The site’s vegetation is highly modified from its original form with an almost entirely cleared canopy and shrub layer as well as a heavily grazed understorey.

As the area of the site is smaller than 40ha and the area of clearing is also less than 2ha, the streamlined assessment method – small area is applied to the development in accordance with Section 2.2 and Appendix C of the Biodiversity Assessment Method. The extent of native vegetation to be assessed in this BDAR (i.e. the area of native vegetation within or potentially impacted by the construction and operational footprint) is 0.19ha.

This vegetation was assessed as being in poor condition, with only a few large mature trees and no hollow bearing trees. The shrub layer is dominated by exotic flora cover. The vegetation is considered to be highly degraded in the assessment.

The lot is approximately 1.85ha and the proposed development design requires utilisation of the entire lot. As such, there is insufficient area available to accommodate both the proposed development and avoid impacts to vegetation. Therefore, the following measures aimed at impact minimisation will be employed:

- the BOS will be utilised to offset development impacts
- the landscape design plan will utilise some species associated with the landscape

Fauna

No threatened fauna species were identified on site.

Conclusion

The BADR report concluded that the limited native vegetation on site was in poor condition, with only a few large mature trees, the shrub layer is dominated by exotic flora cover. The vegetation is considered to be highly degraded. Impacts from clearing native vegetation can be avoided or minimised by locating development in areas lacking biodiversity values where the native vegetation is in the poorest condition or is highly cleared such as the subject site. Development of the site will provide residential development while minimising impacts on biodiversity.

As a result of the loss of native vegetation the following measures aimed at impact minimisation will be employed:

- the BOS will be utilised to offset development impacts
- the landscape design plan will utilise some species associated with the landscape

A copy of the BADR Assessment is attached as **Appendix C**.

8. BUSHFIRE ASSESSMENT

The site lies within a geographical area with a Fire Danger Index (FDI) rating of 100. The land is identified as Bushfire Prone Land. A Bushfire Threat Assessment Report has been prepared for the site by Firebird ecoSultants Pty Ltd (October 2022) **Appendix E**. The report was undertaken in accordance with the Planning for Bushfire Protection 2019 (NSW RFS, 2019) and AS3959-2018 Construction of Buildings in Bush Fire Prone Areas.

The assessment identified that an APZ between the woodland forest to the north of the site, is already established and maintained by Raymond Terrace Road and that no additional asset protection zones are required for the development as a result of existing development to the east, south and west of the site. Additionally, the assessment has shown that future dwellings within the lots will be able to comply with BAL-29 or less.

In accordance with the recommendations of the report the internal road network and reticulated services including water mains and hydrants will be provided in accordance with the Planning for Bushfire guidelines.

The proposed subdivision is consistent with the requirements of the Planning for Bushfire Protection guidelines prepared by the NSW Rural Fire Service (RFS). In accordance with Section 4.46 of the EP&A Act 1979, the application is classified as integrated development and requires a Bush Fire safety Permit to be obtained under Section 100B of the Rural Fires Act 1997. This approval has been sought in conjunction with this application.

9. CONTAMINATION

A Preliminary Site Investigation (PSI) was completed for the site in October 2022. The investigation assessed the potential for past and present uses of the site to have affected the soil and groundwater of the site and whether additional assessment may be required to determine the suitability of the site for residential use.

A review of the site history and a site inspection provided no indication of potential gross contamination on the site. The site is considered to be of low risk of potential contamination and no additional assessment is required. As there is a low risk an unexpected finds protocol has been developed and included in the report.

The land is considered suitable for residential development.

See **Appendix G** for Preliminary Site Investigation.

10. ACOUSTIC ASSESSMENT

The northern boundary of Lot 101 abuts Raymond Terrace Road which is a classified Road under the care and control of Transport for NSW. In accordance with Clause 2.120 - Impact of road noise or vibration on non-road development SEPP Transport and Infrastructure 2021 the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that appropriate LAeq levels are not exceeded.

An acoustic report was prepared Spectrum Acoustics in September 2022 (**Appendix H**) to determine the impacts of road noise on residential allotments. Spectrum Acoustics has undertaken assessments on the adjoining subdivisions along Raymond Terrace Road. The report concluded that the erection of a 1.8m high acoustic fence along the boundary of Raymond Terrace Road would reduce road noise to acceptable levels within the proposed subdivision. The erection of a 1.8m high timber paling fence will be consistent with the adjoining development along Raymond Terrace Road.

11. HERITAGE

An Aboriginal Due Diligence Assessment Report was completed for the site in November 2021.

The background research and site inspection identified no Aboriginal objects, places or areas of potential archaeological deposit in the Project Area. No Aboriginal cultural material was observed, and the ground surface conditions suggest it is unlikely to be present. There is no identified risk of harm to Aboriginal objects as a result of the proposed works, and no AHIP is required.

A copy of the Aboriginal Due Diligence Assessment Report is attached as **Appendix D** and an addendum to the Report with updated AHIMS search in **Appendix D2**

The subject site is not located in the heritage conservation area and does not contain any identified European heritage items.

12. FLOODING AND DRAINAGE

Existing catchments on site consist of an area of approximately 11,000sqm (stage 2) falling to the north and approximately 7,000sqm (Stage 1) falling to the south.

Cubo Consulting has prepared Stormwater Drainage reports for detention basins constructed to the south and north of the site. The reports demonstrated that water quality and quantity for the site will be managed by the combination of a detention basins (already constructed) and gross pollutant traps at the outlets to the local piped drainage systems.

Stage 1 drains to the south and connects directly to existing underground pit and pipe network provided in Stratford Avenue and Sutton Lane.

Stage 2 drains to the north and will require the construction of a pit and pipe network and gross pollutant trap (GPT) directly upstream of the recently constructed basin. The GPT will remove gross pollutants, coarse

sediments and hydrocarbons from the stormwater runoff prior to discharging into the detention basin. Draft Engineering Plans are included in **Appendix F**

Overall, the proposed stormwater controls are likely to result in a reduction of erosion, more efficient use of water resources and protection of riparian ecosystems and habitat.

The proposed network provides a satisfactory strategy for the proposed development and recommends incorporation of control measures including gross pollutant traps. The development will meet the environmental targets nominated for the Thornton North Release Area and comply with Maitland City Council's engineering standards for development.

13. EROSION AND SEDIMENT CONTROL

Bulk earthworks will be undertaken on site during the clearing of the land and the construction phase of the development to cater for the road and drainage works and the supply of services and infrastructure. An Erosion and Sediment Control Plan (ESCP) will be submitted to Council in conjunction with the Construction Certificate. This plan will include erosion prevention and sediment control during development of the site and will include:

- Exposing the smallest possible area of land for the shortest possible time;
- Saving topsoil for reuse;
- Controlling runoff onto, through and from the site;
- Rehabilitating disturbed areas quickly; and
- Maintaining erosion and sediment control measures.

During the construction of the subdivision, erosion and sediment control will concentrate particularly on the construction and use of the road network and implementation of the stormwater controls.

14. ACCESS AND TRAFFIC

Raymond Terrace Road runs adjacent to the northern boundary of the subject site. Raymond Terrace Road is classified as a sub arterial road and access is denied. This subdivision has been designed to join with the existing road linkages provided in the adjoining developments. Access is provided to the site from the extension of Thorncliffe Avenue and Stratford Avenue which will be linked by the proposed Road to be constructed as part of the development. The construction of the subdivision will finalise the road network in this precinct and is in accordance with F.7 Thornton North Urban Release Area. The following traffic and access requirements have been met:

- The road pattern for the area has been designed in accordance with the Government Road Precinct Plan. The road layout provides a legible hierarchy of roads and responds to topography.
- Road layouts, design geometry and intersections will satisfy the requirements of C.10 Subdivision and the Manual of Engineering Standards. Engineering details for the internal road network will be provided to Council as part of Construction Certificate application.
- No new future lot has direct vehicular access to Raymond Terrace Road.
- Pedestrian paths are to be provided within the subdivision, pathways will be constructed in accordance with Council's Manual of Engineering Standards.

The proposed traffic and access arrangements are satisfactory for the proposed 25 lot subdivision and this proposal will provide a positive contribution to the future operation of the road network.

Construction traffic for the development of Stage 1 will be via Stratford Avenue to the south which has been recently constructed. The road will provide suitable access to the site as well as providing access to the local road network in a number of directions. Construction traffic for Stage 2 will be able to access the site from Thorncliffe Avenue and Stage 1 of the development.

It is considered a traffic assessment is not required for the development based on:

- Access to the site is readily available from the local road network from two roads.
- The development is for 25 residential lots in two stages
- The layout is in accordance with the Area Plan and completes the joining of two dead end roads in accordance with Councils planning instruments.

15. LANDSCAPING

The landscaping for this subdivision application has continued the theme, location and type of species of street trees from the adjoining subdivision to ensure uniform presentation of development when the estate is complete. Street tree planting and acoustic fencing along Raymond Terrace Road will be undertaken as part of the construction of the subdivision. These street trees and landscaping will use endemic species where possible.

A landscaping plan is submitted with this application in **Appendix J**.

16. VISUAL AMENITY

The Thornton North Master Plan (p8) states that *'the visual character of the rural/floodplain landscape of the study area and its surroundings is important in terms of the overall landscape quality of the Maitland area.'*

The proposed subdivision seeks to maintain visual amenity in the following ways:

- The landscape buffer to Raymond Terrace Road will maintain visual amenity and a rural streetscape from the road and for future residents of the subdivision.

- Street trees will be provided along the internal roads within the subdivision. Species have been selected for their suitability to site conditions and to provide a cultural framework and identity to the estate.

17. SERVICES

Power, communications, water and sewage services will be provided to all allotments within the proposed subdivision. The Thornton North Local Area Plan requires all services to be placed underground to minimise any environmental, safety and visual impacts.

Electricity is currently supplied to the adjoining site. Telecommunication infrastructure is also currently available on site and both of these services will be extended as part of this subdivision application to service the proposed allotments.

Reticulated water and sewer will be extended from existing networks located in the adjoining developments. See **Appendix K**

18. ECONOMIC ANALYSIS

This residential estate is deemed to generate on-going economic activity, with the movement into the region of new households and the on-going income generated by the property as an asset, including the employment opportunities arising through the construction phase.

The expansion of the residential community within Thornton will contribute towards the growth of commercial and retail services within the Maitland LGA. Thornton URA is a regionally significant development area and a key site to achieve the dwelling targets for population growth in the Lower Hunter.

The proximity of the Thornton URA to regional transport systems, including the rail corridor, the M1 Motorway and the New England Highway is fundamental to the identification of this area for urban development.

The proposed residential subdivision will have a positive economic benefit to the locality of Thornton and the wider Maitland region.

19. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The proposed subdivision has been designed with regards to the design principles of Crime Prevention through Environmental Design to maximise the safety and security of the site.

The subdivision will have clear sightlines with attractive landscaping to maximise surveillance and minimise opportunities for concealment.

Appropriate lighting of the public street will be provided and will comply with relevant Australian standards. The road network has been designed such that access locations can be controlled and monitored.

20. SITE SUITABILITY

The NSW State Government through the development of the Hunter Regional Plan 2036 has supported the expansion of Thornton and has identified the area as a regionally significant development area to achieve the dwelling targets for population growth in the Lower Hunter.

The site is identified on the Urban Release Area Map in the Maitland LEP 2011 for future residential development.

The site is considered suitable for the proposed development for the following reasons:

- The proposal is permissible with consent in the R1 General Residential zone under the provisions of Maitland LEP 2011.
- The subdivision proposal has been designed in accordance with the principles of the Maitland DCP 2011.
- The subdivision will contribute towards meeting the housing demands of the Lower Hunter which in turn will contribute towards economic growth within the Maitland LGA.
- The development will provide a range of housing opportunities for the community, in close proximity to employment opportunities and regional transport systems.
- The Ecological, Bushfire and Heritage Assessments have determined that the land is suitable for its intended purpose for development.

It is determined that the site is suitable for the residential subdivision as proposed.

21. SUMMARY

This Statement of Environmental Effects has been prepared to support the development application for the subdivision of land within the Thornton North Urban Release Area.

This development application seeks approval for the subdivision of residentially zoned land to create twenty-five (25) standard residential allotments. Thorncliffe Avenue will be extended to Stratford Avenue to provide for the subdivision.

The proposal will provide road linkages and stormwater connections to the adjoining land to the east and south of the site.

The clearing of land, the construction of roads, earthworks, landscaping and drainage works, the installation of utility services and infrastructure and the implementation of sediment and erosion control measures are all included as part of this development proposal.

The proposal has been designed to comply with the requirements and fulfil the intentions of the Maitland LEP and Maitland DCP 2011, including the Thornton North Urban Release Area Plan.

The proposed allotments can accommodate a dwelling house and have adequate vehicular access, provide sufficient open space for future occupants and provide acceptable methods of stormwater disposal. The proposed allotments are capable of being serviced by water, electricity and telecommunications infrastructure for residential development. This proposal is considered in the public interest due to the proximity of the land to existing infrastructure and services and represents an efficient use of land within the Maitland LGA.

The proposal is considered suitable for the site and provides residential land without any significant adverse impacts on the environment or the locality. The proposal provides a positive social impact in meeting part of the Lower Hunter regions demand for additional housing in line with the projected population targets set by the Hunter Regional Plan 2036. The development links with the existing established area of Thornton and nearby employment generation areas. The subdivision provides a range of lot sizes to accommodate different housing types in order to conform to the NSW State government policies regarding affordable housing.

It is therefore recommended that Council approve the proposed subdivision.

Appendix A – Site Plan

Appendix B – Subdivision Plan

Appendix C – Ecological Assessment

Appendix D – Aboriginal Due Diligence Report

Appendix E – Bushfire Threat Assessment

Appendix F – Draft Engineering Plans

Appendix G – Contamination (Preliminary Site Investigation)

Appendix H – Acoustic Report

Appendix I – Waste Management Plan

Appendix J – Landscape Plans

Appendix K – Water and Sewer Strategy